

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14364US16)

***In the Application of:***

Joseph Kubler et al.

***U.S. Patent:*** 7,760,703

***Issue Date:*** July 20, 2010

***Serial No.:*** 10/783,883

***Filed:*** February 20, 2004

***For:*** HIERARCHICAL DATA  
COLLECTION NETWORK  
SUPPORTING PACKETIZED VOICE  
COMMUNICATIONS AMONG  
WIRELESS TERMINALS AND  
TELEPHONES

***Examiner:*** John Pezzlo

***Group Art Unit:*** 2465

***Confirmation No.:*** 7739

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Transmitted via the Office electronic filing  
system **September 20, 2010.**

**APPLICATION FOR RECONSIDERATION OF THE  
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)  
INDICATED IN THE PATENT (37 CFR § 1.705(d))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the patent term adjustment indicated on the cover page of the patent ("the patent PTA decision"), to the extent indicated in the following discussion and the enclosed modified version of the current USPTO Patent Term Adjustment calculation on PAIR ("The Spreadsheet"). The spreadsheet and the total PTAs indicated in this paper also reflect aspects of the current USPTO Patent Term Adjustment calculation on PAIR that have already been the subject of an earlier request for recalculation under 37 CFR § 1.705(b).

This application for reconsideration of the patent PTA decision is being filed within two months after the patent issue date.

This application for reconsideration of the patent PTA decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the patent PTA decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items that arose after allowance.

The Applicant's calculation shows that the correct patent term adjustment, accounting for previously disputed and presently disputed items, should be 1760 days.

The basis under § 1.702 and 37 CFR § 1.705(d) for the adjustment is as follows.

### **Reductions in Patent Term Adjustment**

#### **Incorrect PTA Reduction Calculation for Paper After Allowance 37 CFR § 1.704(c)(10)**

The applicant is contesting the following application(s) of 37 CFR § 1.704(c)(10) to reduce the patent term adjustment in the present application due to a paper filed after the Notice of Allowance has been mailed.

The USPTO is believed to be characterizing the Amendments after Notice of Allowance (Rule 312) filed on March 4 and April 27, 2010, as papers delaying prosecution. The USPTO is believed to be characterizing the papers mailed by the USPTO on April 28 and June 9, 2010, as responses to these papers. The reduction of PTA asserted by the USPTO is 139 days.

The Applicant's position is that this determination is incorrect. The correct amount of reduction is submitted by the Applicant to be 98 days, which is the difference between March 4, 2010 (the receipt date of the first 312 Amendment), and June 9, 2010 (the mailing date of the last response to 312 Amendment) *plus one day*, but not exceeding four months.

### **Net Patent Term Adjustment**

The changes requested by the Applicant to the USPTO patent term adjustment determination in the patent PTA decision are as follows:

## Reductions in Patent Term Adjustment

- Incorrect PTA Reduction Calculation for Paper After Allowance  
37 CFR § 1.704(c)(10)

	Patent Term Adjustment (days)
USPTO Calculation	139
Applicant Calculation	97

### Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1761 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 20, 2010

By: /Kevin E. Borg/  
Kevin E. Borg  
Reg. No. 51,486  
Agent for Applicants

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**Docket No.** 14364US16

## USPTO CALCULATION

DATE	EVENT	PTO Delay	Appl. Delay
7/21/2010	3/4/2010 + 54 + 82 + 3		
7/20/2010	PTA 36 Months	1246	
7/20/2010	Patent Issue Date Used in PTA Calculation	16	
7/4/2010	Four months after issue fee is paid		
6/21/2010	Export to Final Data Capture		
6/14/2010	Dispatch to FDC		
6/9/2010	Mail Response to 312 Amendment (PTO-271)		
6/7/2010	Response to Amendment under Rule 312		
4/29/2010	Mail Response to 312 Amendment (PTO-271)		
4/28/2010	Response to Amendment under Rule 312		
4/27/2010	Amendment after Notice of Allowance (Rule 312)		3
4/27/2010	Amendment after Notice of Allowance (Rule 312)		0
4/27/2010	Workflow - Drawings Finished		82
3/19/2010	Finished Initial Data Capture		
3/18/2010	Application Is Considered Ready for Issue		

[illegible]



USPTO CALCULATION			APPLICANT'S CALCULATION	
DATE	EVENT	PTO Delay	PTO Delay	Appl. Delay
10/6/2009	Case Docketed to Examiner in GAU			
9/23/2009	Date Forwarded to Examiner			
9/1/2009	Paralegal TD Not accepted			
8/5/2009	Response after Non-Final Action			
7/14/2009	Mail Non-Final Rejection			
7/13/2009	Non-Final Rejection			
5/19/2009	Date Forwarded to Examiner			
3/31/2009	Response after Non-Final Action			59.00
3/31/2009	Request for Extension of Time - Granted			
1/31/2009	Three months after Office action			
10/31/2008	Mail Non-Final Rejection	1290	1290.00	
10/27/2008	Non-Final Rejection		-619.00	
10/20/2008	Reference capture on IDS			
10/20/2008	Information Disclosure Statement (IDS) Filed			
10/20/2008	Information Disclosure Statement considered			
10/20/2008	Information Disclosure Statement (IDS) Filed			
10/4/2008	Case Docketed to Examiner in GAU			

## USPTO CALCULATION

DATE	EVENT	PTO Delay	Appl. Delay
9/9/2008	Case Docketed to Examiner in GAU		
9/3/2008	Case Docketed to Examiner in GAU		
8/28/2008	Case Docketed to Examiner in GAU		
7/21/2008	Information Disclosure Statement considered		
7/21/2008	Information Disclosure Statement (IDS) Filed		
2/19/2008	Case Docketed to Examiner in GAU		
10/17/2007	Withdraw Flagged for 5/25		
10/16/2007	Case Docketed to Examiner in GAU		
10/15/2007	Flagged for 5/25		
8/23/2007	Information Disclosure Statement considered		
8/23/2007	Reference capture on IDS		
8/23/2007	Electronic Information Disclosure Statement		
8/23/2007	Information Disclosure Statement (IDS) Filed		
6/14/2007	Case Docketed to Examiner in GAU		
6/14/2007	Case Docketed to Examiner in GAU		
2/20/2007	Three year date		

## APPLICANT'S CALCULATION

[illegible]

USPTO CALCULATION				APPLICANT'S CALCULATION	
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
11/16/2006	Information Disclosure Statement considered				
11/16/2006	Reference capture on IDS				
11/16/2006	Information Disclosure Statement (IDS) Filed				
11/16/2006	Information Disclosure Statement (IDS) Filed				
10/23/2006	Information Disclosure Statement considered				
10/23/2006	Reference capture on IDS				
10/23/2006	Information Disclosure Statement (IDS) Filed				
10/23/2006	Information Disclosure Statement (IDS) Filed				
10/19/2006	Case Docketed to Examiner in GAU				
10/17/2006	Case Docketed to Examiner in GAU				
10/10/2006	Case Docketed to Examiner in GAU				
10/10/2006	Case Docketed to Examiner in GAU				
10/5/2006	Case Docketed to Examiner in GAU				
6/23/2006	Information Disclosure Statement considered				
6/23/2006	Electronic Information Disclosure Statement				



10/783,883	HIERARCHICAL DATA COLLECTION NETWORK SUPPORTING PACKETIZED VOICE COMMUNICATIONS AMONG WIRELESS TERMINALS AND TELEPHONES	09-13- 2010::14:56:45
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/783,883

Filing or 371(c) Date:	02-20-2004	Overlapping Days Between {A and B} or {A and C}:	637
Issue Date of Patent:	07-20-2010	Non-Overlapping USPTO Delays:	1917
A Delays:	1308	PTO Manual Adjustments:	0
B Delays:	1246	Applicant Delays:	198
C Delays:	0	Total PTA Adjustments:	1719

### Patent Term Adjustment History

### Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
105.5	07-20-2010	PTA 36 Months	1246		0
105	07-20-2010	Patent Issue Date Used in PTA Calculation	16		92
104	06-21-2010	Export to Final Data Capture			0
103	06-14-2010	Dispatch to FDC			0
102	06-09-2010	Mail Response to 312 Amendment (PTO-271)			0
101	06-07-2010	Response to Amendment under Rule 312			0
100	04-27-2010	Amendment after Notice of Allowance (Rule 312)		3	99
99	04-29-2010	Mail Response to 312 Amendment (PTO-271)			0
98	04-28-2010	Response to Amendment under Rule 312			0
97	04-27-2010	Amendment after Notice of Allowance (Rule 312)		0	99
96	04-27-2010	Workflow - Drawings Finished		82	99
95	03-19-2010	Finished Initial Data Capture			0
94	03-04-2010	Amendment after Notice of Allowance (Rule 312)		54	99
93	03-18-2010	Application Is Considered Ready for Issue			0
92	03-04-2010	Issue Fee Payment Verified			0
91	03-04-2010	Issue Fee Payment Received			0
90	02-19-2010	Export to Initial Data Capture			0
89	02-16-2010	Mail Notice of Allowance			0

88	02-10-2010	Issue Revision Completed		0
87	02-08-2010	Notice of Allowance Data Verification Completed		0
86	02-08-2010	Allowed Case Returned to the Examiner for Clerical Processing		0
85	02-08-2010	Document Verification		0
84	02-04-2010	Notice of Allowability		0
78	02-01-2010	Paralegal TD Accepted		0
77	12-28-2009	Terminal Disclaimer Filed	0	75
76	01-12-2010	Date Forwarded to Examiner		0
75	12-28-2009	Response after Ex Parte Quayle Action		0
74	12-07-2009	Mail Ex Parte Quayle Action (PTOL - 326)	2	70
73	12-05-2009	Ex Parte Quayle Action		0
72	10-06-2009	Case Docketed to Examiner in GAU		0
71	09-23-2009	Date Forwarded to Examiner		0
70	08-05-2009	Response after Non-Final Action		0
69	09-01-2009	Paralegal TD Not accepted		0
68	07-14-2009	Mail Non-Final Rejection		0
67	07-13-2009	Non-Final Rejection		0
63	05-19-2009	Date Forwarded to Examiner		0
62	03-31-2009	Response after Non-Final Action	59	58
61	03-31-2009	Request for Extension of Time - Granted		0
60	10-20-2008	Reference capture on IDS		0
59	10-20-2008	Information Disclosure Statement (IDS) Filed		0
58	10-31-2008	Mail Non-Final Rejection	1290	-1
57	10-27-2008	Non-Final Rejection		0
56	05-08-2006	Information Disclosure Statement considered		0

55	06-23-2006	Information Disclosure Statement considered	0
54	10-23-2006	Information Disclosure Statement considered	0
53	11-16-2006	Information Disclosure Statement considered	0
52	08-23-2007	Information Disclosure Statement considered	0
51	07-21-2008	Information Disclosure Statement considered	0
50	10-20-2008	Information Disclosure Statement considered	0
46	10-20-2008	Information Disclosure Statement (IDS) Filed	0
41	10-04-2008	Case Docketed to Examiner in GAU	0
40	09-09-2008	Case Docketed to Examiner in GAU	0
39	09-03-2008	Case Docketed to Examiner in GAU	0
38	08-28-2008	Case Docketed to Examiner in GAU	0
37	07-21-2008	Information Disclosure Statement (IDS) Filed	0
35	02-19-2008	Case Docketed to Examiner in GAU	0
34	10-17-2007	Withdraw Flagged for 5/25	0
33	10-16-2007	Case Docketed to Examiner in GAU	0
32	10-15-2007	Flagged for 5/25	0
31	08-23-2007	Reference capture on IDS	0
30	08-23-2007	Electronic Information Disclosure Statement	0
29	08-23-2007	Information Disclosure Statement (IDS) Filed	0
28	06-14-2007	Case Docketed to Examiner in GAU	0
27	06-14-2007	Case Docketed to Examiner in GAU	0
26	11-16-2006	Reference capture on IDS	0
25.7	11-16-2006	Information Disclosure Statement (IDS) Filed	0
25	11-16-2006	Information Disclosure Statement (IDS) Filed	0
24	10-23-	Reference capture on IDS	0

	2006		
23.7	10-23-2006	Information Disclosure Statement (IDS) Filed	0
23	10-23-2006	Information Disclosure Statement (IDS) Filed	0
22	10-19-2006	Case Docketed to Examiner in GAU	0
21	10-17-2006	Case Docketed to Examiner in GAU	0
20	10-10-2006	Case Docketed to Examiner in GAU	0
19	10-10-2006	Case Docketed to Examiner in GAU	0
18	10-05-2006	Case Docketed to Examiner in GAU	0
17.7	06-23-2006	Electronic Information Disclosure Statement	0
17	06-23-2006	Information Disclosure Statement (IDS) Filed	0
16	05-08-2006	Reference capture on IDS	0
15.7	05-08-2006	Information Disclosure Statement (IDS) Filed	0
15	05-08-2006	Information Disclosure Statement (IDS) Filed	0
14	03-21-2006	Case Docketed to Examiner in GAU	0
13	01-27-2006	Case Docketed to Examiner in GAU	0
12	05-16-2005	Case Docketed to Examiner in GAU	0
11	08-09-2004	IFW TSS Processing by Tech Center Complete	0
10	02-20-2004	Preliminary Amendment	0
9	08-09-2004	Case Docketed to Examiner in GAU	0
8	05-13-2004	Application Return from OIPE	0
7	05-13-2004	Application Return TO OIPE	0
6	05-13-2004	Application Dispatched from OIPE	0
5	05-14-2004	Application Is Now Complete	0
4	03-24-2004	Cleared by OIPE CSR	0
3	03-24-2004	CASE CLASSIFIED BY OIPE	0

2	03-16- 2004	IFW Scan & PACR Auto Security Review	0
1	02-20- 2004	Initial Exam Team nn	0

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